

JOE WARDY
MAYOR



CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING, JR.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN F. COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY W. COBOS
DISTRICT NO. 8

REGULAR COUNCIL MEETING COUNCIL CHAMBERS SEPTEMBER 16, 2003 9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Joe Wardy present and presiding and the following Council Members answered roll call: Susan Austin, Robert A. Cushing, Jr., John Cook, Daniel S. Power, Paul J. Escobar, Vivian Rojas and Anthony W. Cobos. Absent: Jose Alexandro Lozano. Meeting was called to order at 9:10 a.m. and the invocation was given by Chaplain Ellen Fenter, followed by the Pledge of Allegiance to the Flag of the United States of America, Mayor's Proclamations & Certificates.

PROCLAMATIONS

1. Texas Tech El Paso's 30th Anniversary
2. Riverside High School 30th Homecoming Celebration

No action was taken on: Energy Policy – Discussion of the City of El Paso's existing energy policy.
[Jorge Artalejo]

Mr. Jorge Artalejo, citizen, commented on the recent power outage in the northeast United States and requested that the City's grids be periodically reviewed to ensure that such an outage would not occur in El Paso. He also requested that streetlights be synchronized with the approaches of dusk and dawn.

Mayor Joe Wardy stated that the current administration was committed to energy efficiency matters and noted that the El Paso Electric Company Franchise Agreement would come before the Council in a couple of years. He stated that the City of El Paso was the largest customer of the El Paso Electric Company.

No action was taken on the discussion and action to amend grant proposal from Sunday to Friday P.M.
[Texas Avenue Heritage Association, Kevin Wells and Carlos Rodriguez]

Messrs. Wells and Rodriguez commented on the expired contract held by the Texas Avenue Heritage Association, an Association formed to promote the arts, culture, entertainment and commerce venues along the Texas Avenue corridor, and noted that pursuant to the contract, the events in San Jacinto Plaza Park were held on Sunday afternoons. The gentlemen were requesting that a future contract be revised to note that the events be moved from Sunday evenings to Friday evenings to coincide with other downtown Friday evening events such as Alfresco Fridays.

Representative Austin questioned whether there were objections to their request.

Mr. Rodriguez noted that the Arts and Culture Department agreed to change the time of the events to Sunday evenings; however, not to moving the events to Friday evenings.

Representative Power commented that the Arts and Culture and Economic Development Departments had created a “Special Events” template whereas the City would co-sponsor downtown special events 50% and the participants would provide the remaining 50%. He noted that the template parameters were very specific and explained that the Texas Avenue Heritage Association had not spent all the City monies allocated and that as per the contract, the events were scheduled be held on Sundays.

Mr. John Nance, Assistant City Attorney, explained that the proposal submitted by the Texas Avenue Heritage Association had been developed into a Contract for Services and that based on the expenditures made by the Association, the City would provide reimbursement/payment. He stated that as per the contract the Association was to be given \$10,000; \$5,000 paid upfront and the remainder to be paid upon submittal of a final report, which had not yet been provided by the Association.

Representative Anthony Cobos asked Mr. Nance questions regarding the contract expiration and agreed that moving the events from Sunday to Friday would expand entertainment venues for the downtown clientele.

Mr. Nance clarified that the contract had expired already.

*Motion made, seconded and unanimously carried to postpone one (1) week the presentation and discussion regarding "Source El Paso", a comprehensive directory of all businesses in El Paso, and other business resources and services made available to small businesses through the Greater El Paso Chamber of Commerce's One Stop Business Resource Center. [John Fields]

Motion made, seconded and unanimously carried to move to the forefront of the Regular Agenda the following:

Motion made by Representative Austin, seconded by Representative Cushing and unanimously carried to delete the discussion and action on a presentation of a petition to the Mayor and City Council requesting a vote to approve a ninety day moratorium on zoning approvals in the Upper Valley of El Paso from Country Club Road to Borderland Road and the river to the western boundary of the city limits pending a review and public comment of the 1995 and 2025 plans as they relate to the development of the Upper Valley. The Review to be based upon discussions, investigations and recommendations conducted under the coordination of the City Planning Commission with public comment and City Department input. For discussion and action. [G .A. "Jorge" Molinar]

Mr. Jorge Molinar, citizen, stated that he was present to ensure that the City realize that the petition signed by hundreds of individuals was not voted on and that the City and City Council had negated the recommendations of the Master Plan for the City of El Paso and the warnings thereof regarding zoning and building on floodplain land. He requested 30 days be given to allow for submittal of an improved plan regarding Upper Valley zoning matters.

Representative Cobos responded to Mr. Molinar's comments and stated that he would vote against R-3A zoning in the Upper Valley area.

Mr. Rex Smith, property owner, requested Council Members make a decision on his property.

NOTE: This item was considered together with discussion and action on a ninety day moratorium on zoning approvals in the Upper Valley of El Paso pending a review and public comment of the 1995 and 2025 Plans as they relate to the development of the Upper Valley. The review to be based upon discussions, investigations and recommendations conducted under the coordination of the City Plan Commission with public comment and City departmental input.

No action was taken on the expression of gratitude to Mayor Wardy and El Paso City Council.
[Angie Juarez Barrill, Presiding Judge of Municipal Court of El Paso, Court No. 2]

Representative Cobos asked the Judge how long she had held her position as Presiding Judge.

Ms. Angie Juarez Barrill noted that she had been the Presiding Judge for the last two years; however, had been employed at the Municipal Court Department for the last 10 years.

Judge Regina Arditti made statements commending Judge Barrill on her abilities as jurist, attorney, private citizen and friend and added that Ms. Barrill was fair in her judgments.

Judge Daniel Robledo echoed comments made by Judge Arditti.

Ms. Richarda Momsen, Municipal Clerk, presented Judge Barrill with a plaque expressing the City's gratitude toward Ms. Barrill and made comments expressing her gratitude toward Judge Barrill. She thanked Mr. Patrick Barrill for his support and understanding during the Judge's tenure as Presiding Judge.

Judge Barrill expressed her thanks to Council Members and others and announced that she would be seeking the office of the 346th Judicial District Court and pursuant to Government Code she was required to step down from her position as Presiding Judge.

Mayor Joe Wardy thanked Judge Barrill for her commitment to the community.

Representative Cobos made comments and wished Judge Barrill luck on her upcoming election.

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Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted.
(Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {*}). Representative Power was not present for the vote.
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*Motion made, seconded and unanimously carried to approve the Minutes for Regular City Council Meeting of September 9, 2003.
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*Motion made, seconded and unanimously carried to excuse Representative Jose Alexandro Lozano from the Regular City Council Meeting of September 16, 2003.
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Motion made, seconded and unanimously carried to move to Executive Session of the Regular Agenda the following:

RESOLUTION

WHEREAS, in accordance with Section 18.52.040 and Section 18.52.080 of the El Paso City Code, the City Council of the City of El Paso, by Resolution dated the 25th day of March, 2003, after due notice and hearing, ordered MARIA BAXLEY, EXECUTRIX OF THE ESTATE OF ANGELICA REYES, record Owner of the hereinafter described property that the Building be secured within thirty (30) days and clean the premises of all weeds, trash, and debris all within thirty (30) days, and the Owner having failed after due notice to comply with such ORDER, any mortgagees, lienholders and other persons having an interest in the property have an additional ten (10) days to secure the Building and clean the premises of all trash, debris, and the mortgagees, lienholders and other persons having an interest in the property failed after due notice to comply with such ORDER, the Street Department of the City of El Paso to proceed to secure the Building and clean the premises of all weeds, trash, and debris.

WHEREAS, the Deputy Director for Building Services Department has reported the cost of doing such work in the amount hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the City Council determines the actual cost of securing the Building and cleaning the premises of all weeds, trash and debris from the property, more particularly described as:

Pt. of Tract 17 BEG 5.99 Ft. S of NWC 260.72 Ft. of W – 53.31 Ft. on S 293.39 Ft. on E – 38.4 Ft on N, McElroy Acres, an addition to the City of El Paso, El Paso County, Texas, more particularly described as 8232 McElroy Avenue, El Paso, Texas,

to be \$3,573.49, performed by the Street Department of the City of El Paso, \$1,497.30 incurred by the City Attorney's Office and City Clerk's Office in providing notice, and obtaining title report making a total of \$5,070.79. The City Council finds that the work was completed on the 14th day of May, 2003, and approves the costs.

2. That the City Council, in accordance with Section 18.52.040 of the El Paso City Code, declares the above total amount of FIVE THOUSAND SEVENTY AND 79/XX DOLLARS (\$5,070.79) to be a lien on the above-described property.

3. That the City Clerk is directed to give notice of this lien by filing a copy of this Resolution for record with the County Clerk.

4. That all records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

Motion made by Representative Escobar, seconded by Representative Cushing and unanimously carried to approve the above Resolution.

Representative Cobos was not present for the vote.

NOTE: Resolution was revised.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to execute an agreement between the City of El Paso and OpSanta, Inc., for the Operation Santa Claus parade and presentation of toys to El Paso children, which constitutes an important public purpose of benefit to the City and citizens of El Paso; and under the terms of which agreement the City will provide the necessary funds to cover the costs of the on-duty police traffic-control assistance, not to exceed ten (10) on-duty police officers and twelve (10) vehicles for the parade.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Graduate Intern Employment Contract between the **CITY OF EL PASO** and **LENA E. HUERECA**, as a Graduate Intern for the Comptroller's Department, at an hourly rate of \$8.25 for a minimum of 20 hours per week, not to exceed 30 hours per week. The term of the contract shall be for the period of September 17, 2003 through December 31, 2003.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **THELMA A. MARRON**, to assist the Information Technology as a PC/ LAN Specialist I, at a biweekly rate of \$1,336.59, for 40 hours per week. The term of the contract shall be for the period of September 17, 2003 through September 16, 2005.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **JOSE B. AGUIRRE**, to assist the Information Technology as an Information Services Manager, at a biweekly rate of \$2,496.15, for 40 hours per week. The term of the contract shall be for the period of September 17, 2003 through September 16, 2005.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **JEFFREY L. MILLER**, to assist the Information Technology as an E-Commerce Project Coordinator, at a biweekly rate of \$2,615.00, for 40 hours per week. The term of the contract shall be for the period of September 17, 2003 through September 16, 2005.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **ERNESTO PORRAS**, to assist the Information Technology as a PC/LAN Specialist I, at a biweekly rate of \$1,468.32, for 40 hours per week. The term of the contract shall be for the period of September 17, 2003 through September 16, 2005.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **EDWARD J. OZOGAR**, to assist the Information Technology as a PC/LAN Specialist I, at a biweekly rate of \$1,468.32, for 40 hours per week. The term of the contract shall be for the period of September 17, 2003 through September 16, 2005.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Library Director be authorized to sign an Exhibit Contract with Fred Morales covering an exhibit entitled "History of Memorial Park" at the Memorial Park Library Branch of the El Paso Public Library System for the period of October 1 through 31, 2003. This exhibition is at no cost to the City.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Library Director be authorized to sign an Exhibit Contract with Celia Vinson covering an exhibit of "MADD Posters and Ribbons" at the Westside Library Branch of the El Paso Public Library System for the period of November 1 through 30, 2003. This exhibition is at no cost to the City.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Director of the El Paso Museum of Art be authorized to sign an Incoming Loan Agreement on behalf of the City of El Paso, for eleven artworks borrowed from the artists, for the exhibition, *Air Patterns: Susan Davidoff and Rachelle Thiewes*, which will be held October 19, 2003 – January 18, 2004. The artists are from El Paso and the El Paso Museum of Art is organizing the exhibition, therefore there are no shipping costs.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign the "Park Partner" Agreement with the following individual for maintenance and other services on City property as described in the Agreement:

William Rogers

Arroyo Park

AND THAT the Mayor be further authorized to sign additional documents and take additional action necessary to fulfill the purpose of this contract.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to execute the following **INDEPENDENT CONTRACTOR** contracts on behalf of the **PARKS AND RECREATION DEPARTMENT**. Funding for these contracts is in fiscal year **2003/2004** appropriations to be approved by the City Council.
[Parks and Recreation, Ray Cox, (915) 541-4331]

MULTIPURPOSE CENTER

DEPARTMENT ID: 51510032, ACCOUNT 502215

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| 1. | CONTRACTOR: | Emelia C. Takamatsu, Disco Music Services |
| | DATES: | September 19, 2003 thru August 31, 2004 |
| | RATE PER DC: | \$50.00 |
| | MAXIMUM AMT: | \$600.00 |
| | CONTRACT: | 2003/2004-062 |

PAVO REAL RECREATION CENTER

DEPARTMENT ID: 51510115, ACCOUNT: 502214

2. CONTRACTOR: House of Shotokan, Inc., Karate Instruction
DATES: September 17, 2003 thru December 31, 2003
RATE PER CL: \$12.00
MAXIMUM AMT: \$480.00
CONTRACT: **2003/2004-063**

MULTIPURPOSE CENTER

DEPARTMENT ID: 51510032, ACCOUNT 502215

3. CONTRACTOR: Carlos A. Meza, Instructor for Disability Exercise Program
DATES: September 17, 2003 thru August 31, 2004
RATE PER CL: \$8.00
MAXIMUM AMT: \$5,408.00
CONTRACT: **2003/2004-064**

SPORTS PROGRAMMING

DEPARTMENT ID: 51010215, ACCOUNT: 502215

4. CONTRACTOR: El Paso Umpires Association, Youth Fall Baseball
DATES: September 20, 2003 thru August 31, 2004
RATE PER GM: \$40.00
MAXIMUM AMT: \$2,000.00
CONTRACT: **2003/2004-065**
5. CONTRACTOR: George Heredia, Umpires Softball Program
DATES: October 5, 2003 thru December 31, 2003
RATE PER GM: \$16.00
MAXIMUM AMT: \$320.00
CONTRACT: **2003/2004-066**
6. CONTRACTOR: George Heredia, Softball Program Assigner
DATES: October 5, 2003 thru December 31, 2003
RATE PER GM: \$1.00
MAXIMUM AMT: \$500.00
CONTRACT: **2003/2004-067**

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign all necessary documents and the Chief of Police be authorized to submit the on-line grant acceptance to accept a grant award for a Local Law Enforcement Block Grant from the U.S. Department of Justice, Bureau of Justice Assistance, for the purpose of purchasing hardware, software and related equipment to support the Police Department's new records management system in the amount of \$362,768.00; matching funds in the amount of \$40,308.00; and that the Mayor be authorized to execute on behalf of the City of El Paso, any grant amendments to the initial Grant Agreement which increase, decrease or deobligate program funds provided that no additional City funds are required, or which decrease the amount of matching funds, and any documents to request and accept an extension of the award ending date for the grant.

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***SECOND REVISED RESOLUTION**

WHEREAS, the El Paso City Council finds it in the best interest of the citizens of El Paso that the Underage Drinking Initiative Program be operated for the December 1, 2003, November 20, 2004 year; and

WHEREAS, the El Paso City Council has authorized the Mayor to apply for, accept, reject, alter, or terminate the grant.

WHEREAS, the El Paso City Council has agreed to provide the minimum matching percentage for the said project as required by the Juvenile Accountability Incentive Block Grant grant application; and

WHEREAS, the El Paso City Council has agreed that in the event of loss or misuse of the Criminal Justice Division funds, the El Paso City Council assures that the funds will be returned to the Criminal Justice Division in full.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the El Paso City Council approves submission of the grant application for the Underage Drinking Initiative Program to the Office of the Governor, Criminal Justice Division.

2. The Mayor be authorized to sign the grant application including all understandings and assurances contained therein, and apply for, accept, reject, alter or terminate the grant in the amount of \$185,325.00, from the City of El Paso Police Department to the Office of the Governor, Criminal Justice Division, the purpose of continuing the efforts of the Police Department in reducing underage drinking through enforcement and public education; and that Mayor Joe Wardy is designated and authorized to act as the grant official for the grant.

3. The City of El Paso agrees to provide cash matching funds in the amount of \$20,592.00.

4. The El Paso City Council agrees in the event of loss or misuse of Criminal Justice Division Grant funds, the funds will be returned to the Office of the Governor, Criminal Justice Division, in full.

5. The El Paso City Council agrees that the existence of an award will not be used to offset or decrease total salaries, expenses and allowances that the City receives or provides to its Police Department at or after the time the grant is awarded.

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Motion made, seconded and unanimously carried to move to the forefront and to the Regular Agenda as a donation the following:

R E S O L U T I O N

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor, on behalf of the City, accept the donation of a 14 inch color monitor, a 24 hour time lapse VCR, a 16 channel color duplex multiplexer and 8 BNC connectors from the Sam's Club located at 11360 Pellicano Drive for use by the Police Department's Serious Offender's Unit. The value of the donation is \$600.00.

Commander Cliff Walsh, El Paso Police Department, introduced Ms. Pat Ramirez, Good Works Coordinator for Sam's Club.

Ms. Ramirez stated that the Sam's Club Corporation was involved with many schools, charitable organizations, civic groups and the Fire and Police Departments. She noted that due to a lack of surveillance equipment in the Police Department's Serious Offenders, the Sam's Club was pleased to make the donation.

Commander Walsh thanked Sam's Club for their continued goodwill and explained that the equipment would be used for investigative purposes.

Motion made by Representative Cook, seconded by Representative Cobos and unanimously carried to approve the above Resolution.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Interlocal Governmental Agreement by and between the City of El Paso and the County of El Paso relating to the booking, processing and housing of prisoners for the initial period from September 16, 2003 through August 31, 2007, and renewable annually thereafter.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement with the YSLETA INDEPENDENT SCHOOL DISTRICT FOR EASTWOOD HIGH SCHOOL, to lend it Fifteen (15) 32 Gallon Containers, Twenty (20) 8 Gallon Baskets and Twenty (20) 23 Gallon Bins for a fee of \$5.00 for each month for the purpose of collecting the school's recyclable materials generated at that location, in conjunction with the Department of Solid Waste Management's recycling program.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement with the CATHOLIC DIOCESES OF EL PASO, ON BEHALF OF BLESSED SACRAMENT SCHOOL, to lend it Five (5) 32 Gallon Containers for a fee of \$5.00 for each month for the purpose of collecting the school's recyclable materials in conjunction with the Department of Solid Waste Management's recycling program.

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***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380, entitled Abatement, of Chapter 9.04, Solid Waste Management, of the El Paso City Code, after providing due notices to the owner: **WARD, ANGELINE** of the hereinafter described property that the owner's property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code, and the owner, having failed to comply with due notices, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

2715 Lebanon Avenue, City of El Paso, El Paso County, Texas, being more particularly described as Lot 29 & 30 (6000 SQ FT), Block 3, Manhattan Heights Subdivision, Parcel M056-999-0030-7100,

to be TWO HUNDRED EIGHT AND 38/100 DOLLARS (\$208.38) as reported by the Director of the Department of Solid Waste Management. The City Council finds that the work was performed on the Sixth day of November, 2002, approves the costs.

2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount of TWO HUNDRED EIGHT AND 38/100 DOLLARS (\$208.38) to be a lien on the above described property, said amount being due and payable within thirty (30) days from date of Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of this Lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

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***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380, entitled Abatement, of Chapter 9.04, Solid Waste Management, of the El Paso City Code, after providing due notices to the owner: **VASQUEZ, VERONICA R.** of the hereinafter described property that the owner's property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code, and the owner, having failed to comply with due notices, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

9808 Pickerel Drive, City of El Paso, El Paso County, Texas, being more particularly described as Lot 140 FT OF 218 (8421 SQ FT) 140 FT OF 218, South Parkland Subdivision, Parcel S546-999-2180-8500,

to be THREE HUNDRED FIFTY THREE AND 98/100 DOLLARS (\$353.98) as reported by the Director of the Department of Solid Waste Management. The City Council finds that the work was performed on the Twelfth day of February, 2003, approves the costs.

2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount of THREE HUNDRED FIFTY THREE AND 98/100 DOLLARS (\$353.98) to be a lien on the above described property, said amount being due and payable within thirty (30) days from date of Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of this Lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

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***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380, entitled Abatement, of Chapter 9.04, Solid Waste Management, of the El Paso City Code, after providing due notices to the owner: **ACOSTA, ALFREDO & NUBIA** of the hereinafter described property that the owner's property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code, and the owner, having failed to comply with due notices, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

5309 Edmonton Avenue, City of El Paso, El Paso County, Texas, being more particularly described as Lot 1, Block 27, Colonia Verde Subdivision, Parcel C741-999-0270-0100,

to be TWO HUNDRED FIFTY THREE AND 31/100 DOLLARS (\$253.31) as reported by the Director of the Department of Solid Waste Management. The City Council finds that the work was performed on the Fourteenth day of January, 2003, approves the costs.

2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount of TWO HUNDRED FIFTY THREE AND 31/100 DOLLARS (\$253.31) to be a lien on the above described property, said amount being due and payable within thirty (30) days from date of Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of this Lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

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***RESOLUTION**

WHEREAS, in accordance with Section 9.04.380, entitled Abatement, of Chapter 9.04, Solid Waste Management, of the El Paso City Code, after providing due notices to the owner: **EL PASO NATURAL GAS COMPANY** of the hereinafter described property that the owner's property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code, and the owner, having failed to comply with due notices, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

400 Block of San Blas Drive (Gas Company Easement), City of El Paso, El Paso County, Texas, being more particularly described as Lot 40 (38700 SQ FT), Block 6, Sandcastle Subdivision, Parcel S102-999-0060-9700,

to be THREE HUNDRED FORTY SIX AND 40/100 DOLLARS (\$346.40) as reported by the Director of the Department of Solid Waste Management. The City Council finds that the work was performed on the Sixth day of January, 2003, approves the costs.

2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount of THREE HUNDRED FORTY SIX AND 40/100 DOLLARS (\$346.40) to be a lien on the above described property, said amount being due and payable within thirty (30) days from date of Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of this Lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

*RESOLUTION

WHEREAS, in accordance with Section 9.04.380, entitled Abatement, of Chapter 9.04, Solid Waste Management, of the El Paso City Code, after providing due notices to the owner: **MORENO, STEVEN E & McDONALD, SANDRA E.** of the hereinafter described property that the owner's property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code, and the owner, having failed to comply with due notices, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

611 N. Saint Vrain Street, City of El Paso, El Paso County, Texas, being more particularly described as Lot 6 & S ½ of 7 (4680 SQ FT), Block 241, Campbell Subdivision, Parcel C050-999-2410-3400.

to be EIGHTY SIX AND 60/100 DOLLARS (\$86.60) as reported by the Director of the Department of Solid Waste Management. The City Council finds that the work was performed on the Eleventh day of February, 2003, approves the costs.

2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount of EIGHTY SIX AND 60/100 DOLLARS (\$86.60) to be a lien on the above described property, said amount being due and payable within thirty (30) days from date of Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of this Lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

.....
*NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 14th day of October, 2003 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 7734 Hermosillo Drive, in El Paso, Texas, which property is more particularly described as:

Lot: 27, Block 12, Hacienda Heights Subdivision Unit Two, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 3, Page 50, Plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Ernesto Mendoza and Guadalupe G. Mendoza, 7734 Hermosillo Drive, El Paso, Texas 79915, are listed as the Owners of the real property described herein.

The Owners of said property are hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owners, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owners, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owners fail, neglect or refuse to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owners for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owners show that the property is the Owner's lawful homestead and;
- III) the Owners may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owners and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

*NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 14th day of October, 2003 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 11033 Tom Weiskopf Drive, in El Paso, Texas, which property is more particularly described as:

Lot: 9, Block 117, Vista Del Sol #23

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Clarence C. & Shanon M. R. McClain, 11033 Tom Weiskopf Drive, El Paso, Texas 79936, are listed as the Owners of the real property described herein.

The Owners of said property are hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owners, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owners, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owners fail, neglect or refuse to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owners for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owners show that the property is the Owner's lawful homestead and;
- III) the Owners may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owners and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

.....
*NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 14th day of October, 2003 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 807 E. Fourth Avenue, in El Paso, Texas, which property is more particularly described as:

Lot: The East 45.70 feet of Lot 20, beginning 38.25 feet East of the Southwest corner of and in Block 111, Campbell's Addition, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 2, Page 68, Plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Jose Luis Cadena and Alma Delia Hernandez, 1107 Delta Drive #B, El Paso, Texas 79901 and Jesus Rivera, 1200 N. Copia Street, El Paso, Texas 79903, are listed as the Owners of the real property described herein.

The Owners of said property are hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owners, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owners, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owners fail, neglect or refuse to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owners for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owners show that the property is the Owner's lawful homestead and;
- III) the Owners may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owners and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

*Motion made, seconded and unanimously carried that the street and drainage improvements in the following subdivision be accepted for maintenance by the City. The improvements within the stated limits have been completed in accordance with the approved plans and specifications.

Subdivision: Hillpoint Estates Unit Two
Owner/Developer: Tropicana Homes, Inc.
Consultant: CEA Engineering Group

Street Improvements:

Saint Romeo Ave. - from the center of the cul-de-sac to the east subdivision boundary line

Saint Crispin Ave. - from the east property line of Saint Paul Place to the east subdivision boundary line

Saint Laurence Ave. - from the east property line of Saint Paul Place to the east subdivision boundary line

Saint Dominic Drive - from the west subdivision boundary line to the east subdivision boundary line

Saint Paul Place - from the north property line of Saint Dominic Dr. to the center of the cul-de-sac

Drainage Improvements:

1-10 ft. Drainage Easement – south 10 ft. of lot 5, block 4

1-10 ft. Drainage Easement – north 10 ft. of lot 4, block 4

Storm Drainage System – 2 2-Grate Type I Drop Inlet; and 156.5 ft. of 24" R.C.P. at Saint Paul Place, and easement with outlet to ponding area in Hillpoint Estates Unit 1

.....
*Motion made, seconded and unanimously carried to approve the request to allocate One Thousand Fifty Dollars (\$1,050.00) from District IV Discretionary Funds to "On-Site Music" for music and sound services performed on September 14th, 2003 at the city-sponsored 3rd Annual God Bless America Event at Cohen Stadium.

.....
*Motion made, seconded and unanimously carried to approve the request to allocate the use of District 2 discretionary funds in the amount of \$200.00 for the purpose of the **Central** Regional Command Police Department's "Pride Day" being held October 18, 2003.

.....
*Motion made, seconded and unanimously carried to approve the request to fill the following position on a temporary basis in accordance with Article VI, Section 6.6-3, of the Civil Service Charter Provisions:

Aviation Operations & Security Assistant Director (1)

.....
*Motion made, seconded and unanimously carried to approve the request from Robert R. Garcia of the Fleet Services Department for Special Sick Leave.

NOTE: Item was revised from "Street Department" to "Fleet Services Department".

.....
*Motion made, seconded and unanimously carried to approve the request from Lorenzo Hernandez of the Solid Waste Management Department for Special Sick Leave.

.....
*Motion made, seconded and unanimously carried to appoint Daniel Ibañez to the Airport Board by Representative Robert A. Cushing, Jr.

.....
Motion made, seconded and unanimously carried to move to the Regular Agenda the Board Appointment of Cheryl Dorse to the Parks and Recreation Advisory Board by Representative Robert A. Cushing, Jr.

Prior to the vote being taken Representative Austin commended Representative Power on the manner in which he conducted himself regarding the Eastwood/Album Park recreation center facility construction.

Motion made by Representative Cushing, seconded by Representative Austin and carried to appoint Cherilyn Dorsey to the Parks and Recreation Advisory Board by Representative Robert A. Cushing, Jr.

AYES: Representatives Austin, Cushing, Power, Escobar, Rojas and Cobos
NAYS: Representative Cook
EXCUSED: Representative Lozano

Representative Power stated he looked forward to working Ms. Dorsey.

Ms. Dorsey stated that she was now the President of the Album Park Preservation Association and that the Association would not be proceeding with the initiative petition.

Representative Power thanked Representative Austin for her comments and added that he hoped someone from the Preservation Association would consider running for the position of District 5 City Council Representative.

Representative Escobar noted that the board appointment might bring closure for Ms. Dorsey regarding the Album Park issue.

Ms. Dorsey stated that the Preservation Association may petition the City so that neighborhood associations be mandatorily consulted regarding construction and improvement projects in their neighborhoods.

Motion made by Representative Cook, seconded by Representative Cobos to reconsider the Board Appointment of Cherilyn Dorsey to the Parks and Recreation Advisory Board by Representative Robert A. Cushing, Jr.

Motion made by Representative Cook, seconded by Representative Escobar to appoint Cherilyn Dorsey to the Parks and Recreation Advisory Board by Representative Robert A. Cushing, Jr.

AYES: Representatives Austin, Cushing, Cook, Power, Escobar, Rojas and Cobos
NAYS: None
EXCUSED: Representative Lozano

Representative Cushing noted that he did not make the correlation between appointing Ms. Dorsey to the Parks and Recreation board and the recent events regarding the construction of the recreation center facility at Eastwood/Album Park.

.....
*Motion made, seconded and unanimously carried to delete the appointment to Eddie Holguin, Jr. to the Airport Board by Representative Jose Alexandro Lozano.

.....
*Motion made, seconded and unanimously carried to appoint Martin Paredes to the Information Technology Advisory Board by Representative Jose Alexandro Lozano.

.....
*Motion made, seconded and unanimously carried that the following installment agreements for AD VALOREM taxes be approved in the amount shown and that the Mayor be authorized to sign said agreements on behalf of the City:

- A. PID #C729-999-0100-2300, \$220.72 per month installments on a balance of \$2,648.64 for 2001 & 2002 taxes; Saul & Maria Gallegos – 9703 Vallarta.
- B. PID #D457-000-0020-1700, \$493.26 per month installments on a balance of \$2,959.56 for 2002 taxes; David G. & Cecily M. Lopez - c/o Southwest Escrow, Inc. – 14549 Valentin.
- C. PID #M794-999-0590-1700, \$843.79 per month installments on a balance of \$10,125.48 for 2000, 2001 & 2002 taxes; Estela M. Silva – 3807 Tyler.

- D. PID #P656-999-0150-1100, \$123.48 per month installments on a balance of \$4,445.28 for 1997, 1998, 1999 & 2001 taxes; Sergio Duarte – 1018 Macadamia Cir.
- E. PID #S826-000-0040-0022, \$267.14 per month installments on a balance of \$3,205.68 for 2001 & 2002 taxes, Avelardo Chavira, Jr. – 534 Harvest.
- F. PID #V893-999-5560-5100, \$557.08 per month installments on a balance of \$6,684.96 for 2001 & 2002 taxes; Roberto Lee – 1300 Clay Basket.
- G. PID #Y805-999-0250-1132, \$1,129.49 installments on a balance of \$20,330.82 for 2000, 2001 & 2002 taxes; Carlos M. & Norma P. Aviles – 7377 Alameda.

.....
 *Motion made, seconded and unanimously carried that the following tax refunds be approved:

- A. Mortgage Service Center, in the amount of \$4,619.06, overpayment of 2002 taxes.
 (PID #C340-999-1530-1500)
- B. Carlos H. Pren and Irma E. Pren, in the amount of \$3,124.55, overpayment of 2002 taxes.
 (PID #E390-999-0010-0100)
- C. Francisco IV & Laura Hernandez, in the amount of \$3,662.46, overpayment of 2002 taxes.
 (PID #S812-999-0310-1100)
- D. First American Real Estate Tax Service, in the amount of \$3,651.29, overpayment of 2002 taxes.
 (PID #T213-999-0160-1500)
- E. First American Real Estate Tax Service, in the amount of \$3,102.69, overpayment of 2001- 2002 taxes. (PID #V893-999-5680-3900)
- F. Fairbanks Capital Corp., in the amount of \$8,655.09, overpayment of 2002 – 2003 taxes.
 (PID #X312-999-0000-0100)
- G. Walgreen Co. #3236, in the amount of \$42,241.44, overpayment of 2002 taxes.
 (PID #Y805-999-0050-0750)

.....
 *Motion made, seconded and unanimously carried to approve the request that the Director of Purchasing be authorized to exercise the City's option to extend the term of the agreement for two (2) additional years, from September 28, 2004 to September 29, 2006 pursuant to the provisions of Contract #2001-283 with Apache Barricade & Sign, El Paso, Texas for Barricade Rental Service.

Option No.: One (of One)
 Department: Street
 Amount of award: \$55,000.00 (annual estimate)
 Funds available: 32010200-502411
 Funding source: General Fund

.....
 *Motion made, seconded and unanimously carried to delete the request to amend the motion approving Contract No. 2003-176 Asbestos Abatement Services, awarded by Mayor and Council on August 12, 2003, from \$395,725.00 for three years to \$694,103.76, an increase of \$298,378.76 to add the separate funding for the Plaza Theater Project and Annex asbestos abatement.

Account/Fund Number: 31255011-27697-508024 Plaza Theater
 Testing (CWP), El Paso Community Foundation
 Project Number: PPW0310

.....
 *Motion made, seconded and unanimously carried to award Bid No. 2003-201 Animal Shelter

Award to: Jan-Car Inc.
 El Paso, Texas
 Item (s): Base Bid I: \$3,099,617.00
 Base Bid IA: \$ 125.00
 Alternate #1: \$ 7,700.00

Amount:	\$3,107,442.00
Department:	Health District
Funds available:	31250202/31255007/PPW0051/27217/27699/508027
Funding source:	Certificates of Obligation
Total award:	\$3,107,442.00

The Departments of Purchasing, Engineering and Health District recommend the award of Base Bid I, Base Bid IA and Alternate No. 1 of this contract to Jan-Car Inc., as this offeror has provided the Best Value Offer. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the City Engineer, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000.00 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

NOTE: Funding source was revised to from "Certificates of Obligations" to "Certificates of Obligation".

.....
 *Motion made, seconded and unanimously carried to award Bid No. 2003-206 Janitorial Supplies (Firm, Fixed-Price)

Award to:	Vendor 1:	Baron Chemical Co., Inc. El Paso, Texas
Item (s):		Group A, B, C, D, E, G, H and AA
Amount:		\$60,780.60 (estimated annually)

	Vendor 2:	Regal Supply & Chemical El Paso, Texas
Item (s):		Group F
Amount:		\$1,761.60 (estimated annually)

Department:	Department of Aviation
Funds available:	62620003-503121-40101-62000
Funding source:	Airport Operating Fund
Total award:	\$62,542.20 (estimated annually)

The Department of Aviation and the Purchasing Department recommend award as indicated as these vendors have provided the Best Value Bids.

Spectrum Paper Co. Inc. was non-responsive due to a lack of an original signature binding the offeror, and therefore is non-responsive on their overall bid. Facilities Connection took exception to the City's terms and conditions by inserting its own contract clauses, and therefore is non-responsive on their overall bid. Furthermore, since the sole bid submitted for Group BB was non-responsive, it is requested to reject and not award this group. These items will be rebid, as requested by the Department of Aviation.

This is a twenty-four (24) month requirements-type Contract for Janitorial Supplies for the El Paso International Airport, however, this Contract may be utilized by other City departments, to meet their requirements as the need arises.

There are no viable options to extend the term of the agreements. Vendors do not offer a prompt payment discount.

The Contract will officially begin at 12:01 A.M., September 19, 2003.

.....
*Motion made, seconded and unanimously carried to award Bid No. 2003-224 Security Guard Services for the El Paso International Bridges

Award to: Desert Eagle Security Agency
El Paso, Texas
Item (s): 1, 2 and 3
Amount: \$318,672.00 (yearly estimate)
\$286,804.80 (yearly estimate with discount)

Department: Street
Funds available: 32010283-40272-502212
Funding source: Bridge Operations – Security Contracts
Total award: \$956,016.00

The Street Department and Purchasing Department recommend award as indicated. Desert Eagle Security Agency provided the Best Value bid meeting all criteria.

This is a thirty-six (36) month contract with the option to extend the contract for two (2) additional years; but may be placed on a month-to-month, if necessary, not to exceed six months pending the bidding and formal awarding of a new contract.

Additionally, Desert Eagle Security Agency offers a 10% prompt payment discount.

.....
*Motion made, seconded and unanimously carried to award Bid No. 2003-172 Aerial Platform Truck

Award to: Casa Ford Inc.
El Paso, Texas
Item (s): 1 (Qty. 1) Option 1, Trade In
Amount: \$72,286.62
\$ 3,000.00 Less Trade-In Allowance
\$69,286.62

Department: Streets
Funds available: 508006-27203-04250201-PMB0002130
Funding source: FY01 City Equipment Not Otherwise Classified –
Certificates of Obligation
Total award: \$72,286.62

The Fleet Services, Street and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

This is a fixed-price, single (one-time) purchase, to purchase an Aerial Platform Truck. There is an option to purchase up to one hundred percent (100%) of the original contract quantities, at the same unit price, if the option is exercised within one hundred eighty (180) days and/or three hundred sixty five (365) days from the date of award of the contract. No prompt payment discount is offered.

NOTE: Funds available was revised from “508006-27260-04252003-PMB0004130” to “508006-27203-04250201-PMB0002130” and Funding source was revised from “FY03 City Capital Equipment – Certificates of Obligation” to “FY01 City Equipment Not Otherwise Classified – Certificates of Obligation”.
.....

*Motion made, seconded and unanimously carried to approve the request of Austin High School to hold a Homecoming Parade on September 25, 2003 from 6:00 p.m. to 7:00 p.m. Route: Start at Newman Park on Alabama and Altura, turn right on Altura to Stevens, turn left on Stevens and finish at Mckee Stadium. Approximately 300 persons and 20 vehicles will take part and 200 spectators are anticipated. PERMIT NO. 03-134

.....
Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- A. An Ordinance authorizing the City of El Paso to enter into a Lease Agreement with El Paso Border Youth Athletic Association for the purpose of developing a plan for, constructing, and utilizing a youth baseball facility on property located adjacent to Brown Street and Schuster Avenue in portions of blocks 137, 138, 142, and 143, Alexander Subdivision, and those portions of the Alexander Subdivision adjacent to blocks 70 and 98, El Paso, El Paso County, Texas.
- B. An Ordinance granting a Special Privilege to Ho Yun Lee, to permit temporary sidewalk vending along a portion of public right-of-way at 810 South El Paso Street in Downtown El Paso from October 1, 2003 through July 3, 2004.
- C. An Ordinance granting a Special Privilege to the Central Business Association of El Paso, Inc., to permit temporary sidewalk vending for participating merchants within certain public rights-of-way in Downtown El Paso from October 1, 2003 through July 3, 2004.

PUBLIC HEARING WILL BE HELD ON SEPTEMBER 30, 2003 FOR ITEMS A – C

- D. An Ordinance granting Special Permit No. SU-03020 to allow for a parking reduction on the property described as Lots 1 - 10, Block 223, Alexander Addition, El Paso, El Paso County, Texas (2711 North Stanton Street), pursuant to Section 20.64.175, and the penalty being as provided in Chapter 20.68 of the El Paso Municipal Code.
- E. An Ordinance changing the zoning of a portion of Tract 1B5B and Tract 1B4C, S. J. Larkin Survey No. 266, El Paso, El Paso County, Texas (Helen of Troy Drive East of Resler Drive) from R-3 (Residential) to R-3A (Residential). The penalty is as provided in Chapter 20.68 of the El Paso Municipal Code.

PUBLIC HEARING WILL BE HELD ON OCTOBER 7, 2003 FOR ITEMS D – E

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

.....
Motion made by Representative Austin, seconded by Representative Cobos and unanimously carried to accept the Annual Report and Recommendations of the Cable Communications Commission and to direct staff to proceed with agreed upon auditing procedure.

Ms. Judy Maddox, Cable Communication Commission Chair, stated that the Commission was requesting Council Members approve four recommendations made by the Commission and read those recommendations into the record. She stated that it was imperative that the audit be performed before December 31, 2003, or the City would lose its right to review Time Warner's finances. She thanked City staff for their support and additionally thanked members of the Fire and Police Departments for their cooperation and the utilization of Cable Channel 15 for educational purposes.

Representatives Austin and Cushing asked questions of Ms. Maddox.

Ms. Maddox responded that an RFP had been created to satisfy the requirements of the audit as per the Franchise Agreement.

Mayor Joe Wardy informed Council that he had directed City staff to move on the recommendation that an audit of Time Warner's gross receipts be performed.

.....
*Motion made, seconded and unanimously carried to delete the discussion and action on request by the El Paso School of Excellence for reconsideration of City Council approval on November 12, 2002, of the sale of alcoholic beverages by Super Store #10 (Moshe Yardeni) at 1603 George Dieter.
.....

Motion made, seconded and unanimously carried to move to the forefront of the Regular Agenda the following:

Discussion and action to direct staff of the Planning Department to prepare an amendment to the *Plan for El Paso* with certain provisions affecting residential and commercial development in the "Upper Valley Study Area," to obtain review by the Development Coordinating Committee and City Plan Commission, and to bring forward the requested amendment for City Council action within a period of no more than ninety (90) days.

Motion made by Representative Austin, seconded by Representative Cobos and unanimously carried to direct staff of the Planning, Research and Development Department to:

Prepare an amendment with public input, as provided for in *The Plan for El Paso*, the City's comprehensive plan, to modify the goals, policies and land use recommendations for a portion of the Upper Valley Study Area within the Northwest Planning Area referred to as Policy Area #5A as follows:

1. Along the Artcraft Road corridor:

- Define the "Artcraft Road Corridor" as the area extending 400 feet on either side of the Artcraft right-of-way lines;
- Restrict the density for any new residential development along the Artcraft Road Corridor to no more than five (5) dwelling units to the gross acre;
- Require that developers provide and maintain a landscaped strip of property along Artcraft Road acceptable to the City and TxDOT;
- Restrict commercial and mixed-use development to the "nodes" of the following intersections (with the "nodes" defined as the area extending 300 feet each way from the rights-of-way making the following intersection) as follows:
 - Artcraft Road at Upper Valley Road for commercial
 - Artcraft Road at Westside Drive for mixed-use
- Restrict such commercial development to neighborhood-compatible uses with ample parking provided on-site;

- Require a detailed site development plan for any commercial zoning requests;
- Restrict commercial signage to neighborhood scale as allowable under law;
- Prohibit on-street parking on any street crossing Artcraft Road;
- Strictly enforce litter ordinances from any authorized commercial development.

2. For areas outside of the Artcraft Road corridor:

- Large lot single-family residences should continue to be the dominant use in this area, consisting of a mix of R-2 and R-1.
- Until such time as a comprehensive drainage study and flood plan for this area has been performed by the City, the Federal Emergency Management Agency, or a similar agency, the density for any new residential development to no more than four (4) dwelling units to the gross acre;
- Discourage the use of Park Fees and require open and green space areas be planned and implemented wherever possible within a development;
- For large tract developments (40 acres or more) of this region, encourage a layered approach to zoning and development, with buffers insulating less intensely developed properties from higher developed parcels, unless not possible by reason of acreage configuration or other reasons.
- Encourage uses that accommodate the keeping of horses and plan for safe passage of horses and bikers along all arterials, collectors and sub-collectors through the use of horse trails, bike trails and/or ditch banks as well as access to the river park.

Staff is requested to proceed in a timely manner to obtain review by the Development Coordinating Committee and City Plan Commission, and to bring forward these requested amendments for City Council action within a period of no more than ninety (90) days.

In addition, during the next 90 days or until an amendment is submitted to the Council for its consideration, staff is requested to be aware of the requested review and proposed amendment to The Plan for El Paso, in its review of all submitted applications for the identified portion of the Upper Valley Study Area and inform the applicants of the review and proposed amendment.

Mayor Joe Wardy requested that one individual in favor of and in opposition to the matter speak for each side.

Representative Austin requested that material be placed on the overhead for public information and apologized that the same material had not been posted to the City's website for the City Council agenda.

Ms. Richarda Momsen, City Clerk, read the agenda item into the record.

Ms. Mary Frances Kiesling, Save the Valley Organization representative, read from a prepared statement the organization's recommendations.

Ms. Sonia Gomez-McPhalter, citizen, read from a prepared statement and noted that her family's name was the source for the naming of Gomez Road. She commented on responsible planning in the Upper Valley and requested Council Members save the valley.

Mr. Jorge Molinar, citizen, stated his reasons he was opposed to Representative Austin's proposal and questioned why the petition brought before Council Members at the September 9, 2003 City Council meeting was not voted on. He stated that Representative Austin's proposal did not allow sufficient time for expert/professional testimony, planning, urban planners, conservationists, archaeologists to become involved in order that Upper Valley planning be done professionally. He stated that he was opposed to R-2 zoning and asked that Council Members allow time to compose a comprehensive plan and table all zoning requests for 30 days.

Representative Austin stated that her proposal was for provisions regarding what would be in and around the Aircraft corridor and referred to language posted on the overhead listed on the bottom of page 2 of her proposal in bold font.

Mr. Conrad Conde, representing the applicant regarding the Ordinance changing the zoning on all on of tracts 1F, 3B, 3B1A and 3C, and portions of tracts 1J, 1J1 and 1K, Block 10, Upper Valley Surveys, El Paso, El Paso County, Texas (Artcraft Road and Westside Drive) from R-F (Ranch-Farm to R-3A), explained that the developer was not opposed to Representative Austin's proposal; however, requested that due to the Building and Zoning Advisory Committee rewriting the City's Zoning Codes, the consideration be made regarding density not the zoning.

Motion made, seconded and unanimously carried to move to the forefront of the Regular Agenda the following:

Discussion and action to direct staff of the Planning Department to review the *Master Thoroughfare Plan* and make recommendations regarding Redd Road/Gomez Road, to obtain review by the Development Coordinating Committee and City Plan Commission, and to bring forward the requested amendment for City Council action within a period of no more than ninety (90) days.

Motion made by Representative Austin, seconded by Representative Cushing and unanimously carried to direct staff of the Planning, Research & Development Department to:

Review the *Master Thoroughfare Plan* in light of these policies to determine whether Redd Road should be planned as a Major Arterial and whether a request should be submitted by the City Council to the Metropolitan Planning Organization to keep Redd Road a Minor Arterial or Collector road.

Staff is requested to proceed in a timely manner to obtain review by the Development Coordinating Committee and City Plan Commission, and to bring forward these requested amendments for City Council action within a period of no more than ninety (90) days.

Mayor Joe Wardy requested that one individual in favor of and in opposition to the matter speak for each side.

Ms. Richarda Momsen, City Clerk, read the agenda item into the record.

Representative Austin revised the item to read “recommendation” rather than “amendment”. She explained that her request was to request City staff to review the Master Thoroughfare Plan whether Redd Road should be planned as a master thoroughfare.

Copies of Representative Austin's handouts were distributed to members of the audience unable to read the language on the overhead.

Representative Cook questioned whether or not other areas of the City might be included in Representative Austin's proposal and whether or not her proposal should include the Planning Research and Development Department review of the entire Plan for El Paso, not just is what related to the Upper Valley.

Ms. Kiesling noted that a tri-annual review of the Plan for El Paso was to have been done in 2002 and thanked Representative Austin for including in her proposal that large-lot, single-family residences continue to be the dominant use in the area with a mix of R-1 and R-2.

.....
Motion made, seconded and unanimously carried to move to the forefront of the Regular Agenda the following:

Discussion and action to direct staff of the Planning Department to prepare an amendment to the Municipal Code to also require posting signs on certain undeveloped land to notify the public of a rezoning application, to obtain review by the Development Coordinating Committee and City Plan Commission, and to bring forward the requested amendment for City Council action within a period of no more than ninety (90) days.

Motion made by Representative Austin, seconded by Representative Cobos and unanimously carried to direct staff of the Planning, Research and Development Department to:

Prepare an amendment to the Municipal Code, Title 20 (Zoning), to require that the notice provisions for rezoning of property be amended as follows:

- That written notice to abutting property owners within three hundred (300) feet is maintained in all cases.
- That an applicant for any rezoning application submitted and involving one (1) or more acres of undeveloped land, be required to post signs alerting area residents of the requested change.

Staff is requested to proceed in a timely manner to obtain review by the Development Coordinating Committee and City Plan Commission, and to bring forward these requested amendments for City Council action within a period of no more than ninety (90) days.

Mayor Joe Wardy requested that one individual in favor of and in opposition to the matter speak for each side.

Ms. Richarda Momsen, City Clerk, stated that many individuals had signed up to speak on the matter and read the item into the record.

Representative Cook asked for clarification regarding "certain undeveloped lands" as proposed by Representative Austin.

Representative Austin responded undeveloped lands involving one or more acres throughout the City of El Paso.

.....
Motion made by Representative Austin, seconded by Representative Cushing and unanimously carried to delete the discussion and action on a ninety day moratorium on zoning approvals in the Upper Valley of El Paso pending a review and public comment of the 1995 and 2025 Plans as they relate to the development of the Upper Valley. The review to be based upon discussions, investigations and recommendations conducted under the coordination of the City Plan Commission with public comment and City departmental input.

Representative Austin noted that she had placed on the item on the City Council agenda as it was not properly posted on the September 9, 2003 agenda and requested that Council Members vote separately on agenda items placed by her for today's City Council agenda.

Ms. Mary Frances Kiesling, Save the Upper Valley Organization representative, stated that the organization was requesting that the petition for a moratorium be removed from today's agenda and that the

organization would prefer to withhold presenting its petition for 90 days until the amendment to the Plan for El Paso be conducted.

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City sponsor the second annual "Heroes Charity Softball" event ("the Event") on September 20th, 2003, from 5:30 p.m. to 8:30 p.m. at the Andy and Syd Cohen Center, and that the participation of Police and Fire personnel and equipment in the Event is hereby authorized. The City acknowledges that such use of the Cohen Center shall constitute one of the dates reserved for the public's use of the Public Access Facilities as a "City-sponsored event" under the terms of the Lease Agreement dated December 29, 1989, and thereafter amended, between the City and El Paso Baseball Club, L.L.C. The user fee of \$800.00 for the Event will be paid for with Discretionary Funds.

Representative Cook stated that this was the second annual event and noted that the Border Patrol and Sheriff's Deputies game would be included. He requested that Council Members utilize their discretionary funds to contribute to the cost of cleaning the stadium following the event.

Fire Chief Alan Parsons made remarks regarding the event and noted the cost of tickets as: \$5.00 for adults, students \$3.00, children and military personnel would not be required to pay.

Mr. Led Bezekan, El Paso Optimist Clubs, stated that monies from the event would be utilized for all five organizations to be given to their favorite charities.

Representative Austin suggested that the cost of cleaning the stadium be shared equally amongst all nine members of the City Council.

Motion made by Representative Cushing, seconded by Representative and unanimously carried to approve the above Resolution as revised with all Council Members sharing the expense of cleaning.

Representative Cushing amended his motion to approve the Resolution predicated by the fact that all Council Members agree to 1/9th the clean up fee. Representative Cobos seconded.

Mayor Joe Wardy stated that he would provide monies of his own accord, as the Mayor was not issued discretionary funds.

Representatives Power and Escobar were not present for the vote.

Motion made, seconded and unanimously carried to move to the forefront of the Regular Agenda the following:

**Resolution of the City Council of the City of El Paso, Texas
Encouraging Registered Voters to Vote in the El Paso Independent School
District 2003 Bond Election**

WHEREAS, the City Council of the City of El Paso advocates strong school districts for our City's children; and

WHEREAS, the City Council believes that a strong school district benefits all of the citizens and businesses of our community; and

WHEREAS, in order to provide the education our children need, a school district must be able to build new schools and renovate and refurbish existing schools; and

WHEREAS, enhancing facilities enables teachers to teach our children in an environment more conducive to learning; and

WHEREAS, a strong school district will also help in the recruitment of new businesses to El Paso; and

WHEREAS, with the approval of the \$207 million bond issue, the El Paso Independent School District (EPISD) will be able to engage in construction projects and refinance existing debt to increase available operating funds; and

WHEREAS, \$207 million will have an economic impact equal to approximately seven times the cost of the bond, which will greatly benefit our City; and

WHEREAS, with the approval of the proposed bond issue, jobs will be created throughout El Paso; and

WHEREAS, a strong school district provides more jobs for our future leaders and helps keep our "best and brightest" children from leaving our community upon graduation; and

WHEREAS, EPISD has created a bond plan which addresses financial use of the bond money and accountability to the community; and

WHEREAS, the City Council believes that public education involves shared responsibilities among students, parents, educators and employers;

NOW THEREFORE, BE IT RESOLVED that the City Council of El Paso, Texas, hereby:

1. Calls upon all registered voters in the El Paso Independent School District to vote in the 2003 Bond Election on October 4, 2003, or during early voting September 17-30, 2003; and
2. Encourages all businesses to provide opportunities to their employees to be come informed about the EPISD 2003 Bond Election by making available to their employees information provided by EPISD or Friends For The EPISD Bond Fund.

Mr. Luis Mata, Chairman for the El Paso Independent School District Bond Committee, commented on the upcoming El Paso Independent School District Bond election and noted that senior citizens, 65 years of age and older, would be exempt for any tax increase as their taxes would be frozen. He added that a vote against the Bonds would be a vote against the students.

Mr. Sal Mena, President of the El Paso Independent School District Board of Trustees, thanked the many volunteers for their time and efforts supporting the Bonds and Council Members for supporting the EPISD Bonds.

Representative Cook clarified that the senior citizens would be required to file a waiver with the Central Appraisal District and encouraged everyone to vote. He added that EPISD would have an Oversight Committee to ensure that the School District spends Bond monies as promised the voters.

Mr. Gerald Cheek, EPISD Council of PTAs President, stated that the Bond monies would assist the older schools to rehabilitate them and noted that not only the students but the teachers and administrators would benefit from the passage of the Bonds.

Representative Cobos commented on the fiscal status of EPISD and added that the School District was removing the “Blue Flame” building from its inventory. He stated that the Resolution was not endorsing the Bond election but encouraging residents to endorse the Bond election.

Ms. Patti Hughes, citizen, stated that on behalf of the children the volunteers would be presenting gifts to the Council Members.

Mayor Joe Wardy thanked everyone associated with the EPISD Bond election for their commitment to the community.

Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried to suspend the Rules of Order regarding electronic voting for the remainder of the meeting.

Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried to approve the above Resolution.

ORDINANCE 15558

The City Clerk read an Ordinance entitled: **AN ORDINANCE PROVIDING FOR THE ISSUANCE, SALE AND DELIVERY OF \$18,000,000 CITY OF EL PASO, TEXAS, AIRPORT REVENUE REFUNDING BONDS, SERIES 2003 (EL PASO INTERNATIONAL AIRPORT); PRESCRIBING THE TERMS AND CONDITIONS THEREOF; PROVIDING FOR THE PAYMENT THEREOF; AND ENACTING OTHER PROVISIONS RELATING THERETO.**

Representative Cobos requested that item 17B be discussed prior to discussing the Ordinance s he would be leaving the meeting shortly to catch a flight. Representative Escobar seconded.

Mr. Patrick Abeln, Director of Aviation, explained the financial aspects regarding the Airport Revenue Refunding Bonds and noted that the interest rate on the bonds would be reduced from 5.4 to 4.3% and that the airline rent would be reduced from approximately \$36.00 square foot to \$31.00 square foot. He noted that the City would be saving monies, as well as the airline industry and recommended Council Members approve the matter.

Mayor Joe Wardy questioned Mr. Abeln regarding what the net savings amount might be.

Mr. Abeln responded over the life of the Bond issue, \$9.1 million.

Mr. Steven Adams, First Southwest, clarified the net savings question further.

Mr. Norman Gordon, co-bond counsel, explained that the caption of the Ordinance would require revising the bond amount to \$18,000,000 and stated that copies of the changes were passed out to Council Members.

Mayor Joe Wardy commended the Bond counsel and City staff on their great job explaining Bond matters

There being no further public comment, the vote was taken.

Motion duly made by Representative Cook, seconded by Representative Cushing that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

Motion amended by Representative Cook, seconded by Representative Cushing accepting the amendments as stated by Mr. Norman Gordon.

AYES: Council Members Austin, Cushing, Cook, Power and Rojas

NAYS: None Absent: Council Members Cobos and Lozano

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

Representative Escobar was not present for the vote.

NOTE: Ordinance was amended from "\$25,000,000" to "\$18,000,000".

.....
*Motion made, seconded and unanimously carried to delete an Ordinance granting Special Permit No. SU-03018, to allow for a planned residential development on a portion of Tract 1B and Tract 2B, Block 10, Upper Valley Surveys, El Paso, El Paso County, Texas (Upper Valley Road North of Artcraft Road) pursuant to Section 20.12.040 (Zoning) of the El Paso Municipal Code. The penalty is as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: RPW Development Ltd. / Representative: CEA Engineering Group; 2718 Wyoming, El Paso, TX 79903
.....

Motion made by Representative Austin, seconded by Representative Cushing and unanimously carried to postpone one (1) week an Ordinance vacating a portion of Glenwood Drive adjacent to Blocks 1 and 2, Alameda Acres, Map of Hughes Subdivision, City of El Paso, El Paso County, Texas.

Representative Cobos was not present for the vote.

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ORDINANCE 15559

The City Clerk read an Ordinance entitled: **AN ORDINANCE VACATING A PORTION OF REDD ROAD RIGHT-OF-WAY, ADJACENT TO LOT 2, BLOCK 1, TEN REDD COMMERCIAL PARK SUBDIVISION, (200 BLOCK OF REDD ROAD), CITY OF EL PASO, EL PASO COUNTY, TEXAS.**

There being no public comment, the vote was taken.

Motion duly made by Representative Austin, seconded by Representative Escobar, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Cook, Power, Escobar and Rojas

NAYS: None Absent: Council Members Cobos and Lozano

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
ORDINANCE 15560

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF ALL OF TRACTS 1F, 3B, 3B1A AND 3C, AND PORTIONS OF TRACTS 1J, 1J1 AND 1K, BLOCK 10, UPPER VALLEY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS (ARTCRAFT ROAD AND WESTSIDE DRIVE) FROM R-F (RANCH-FARM) TO R-2A (RESIDENTIAL). THE PENALTY IS AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

WHEREAS, having found that the Building is not in substantial compliance with the Municipal Ordinances, the City Council ORDERED the Owners of said property to demolish the dilapidated accessory structures within 30 days; and reconstruct the primary structure within 90 days; and remove all weeds, trash and debris, within 30 days of adoption of the Resolution dated May 6th , 2003, that is on or before August 5th , 2003.

WHEREAS, the City Council ORDERED the Owners of said property to appear before City Council on September 16th , 2003, for a Public Hearing to determine whether the Council Order has been complied with and to determine penalties if the Council Order has not been complied with:

WHEREAS, Paul Ingle, the owner's representative, appeared.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the City Council, having heard the evidence, makes the following findings:
 - a. That the Owner of said property, Jose Gutierrez, 5608 Melody Lane, El Paso, Texas 79932, was notified of the requirements of Section 18.52.040 and of his need to comply with these requirements as they relate to their property; and
 - b. That after notification, the Owner committed an act in violation of Section 18.52.040 or failed to take an action necessary for compliance with 18.52.040, specifically; the Owner failed to demolish the dilapidated accessory structures within 30 days; and reconstruct the primary structure within 90 days; and clean the premises of all weeds, trash and debris within 30 days after May 6th , 2003 that is, on or before August 5th , 2003; and
 - c. Since the owner has not complied with the City Council resolution of May 6th , 2003, the structure must be demolished.

NOW, THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the City Clerk file a certified copy of this Order with the District Clerk of the County of El Paso; and

Mr. Thomas Maguire, Building Permits and Inspections, presented case to Council Members and gave the department's recommendation(s).

Mr. Paul Ingle, spoke on behalf of Jose Gutierrez, provided comments regarding the property and requested additional time to bring the structure to City Code.

Representatives Cushing and Austin made remarks and asked questions of Mr. Maguire.

Mr. Maguire responded to questions of Representatives Cushing and Austin.

There being no further public comment, the vote was taken.

Motion made by Representative Cushing, seconded by Representative Cook and unanimously carried to approve the above Order. Representative Cobos was not present for the vote.

.....

RESOLUTION

WHEREAS, the Interim Director for Building Permits and Inspections and the Fire Marshal of the City of El Paso have conducted an investigation and have reported to the City Council in writing that they are of the opinion that the structures located on the property at 10737 Aquamarine Street in El Paso, Texas, which property is more particularly described as follows:

Lot: 14, Block 4, Shearman #1

are dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; does not meet the minimum standards for continued use and occupancy contained in Titles 17 and 18 of the Municipal Code which are adopted and incorporated by reference into Section 18.52; and

WHEREAS, Robert W. Vetter, 10716 Jadestone Street, El Paso, Texas 79924, record Owner, and all mortgagees and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on September 16th, 2003; and

WHEREAS, NO ONE, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:
 - a. That the structures located on said property are declared to be unsecured and vacant, and therefore a hazard to the public health, safety, and welfare; and
 - b. That the structures are not in substantial compliance with municipal ordinances regulating housing and safety, and disposal of refuse; and
1. That the City Council hereby orders Owner to comply with the following requirements:
 - a. That the Buildings be secured within (30) days; and
 - b. That the premises be cleaned of all weeds, trash and debris within (30) days; and
 - c. That a public hearing be scheduled for October 21st, 2003, in the City Council Chambers, to determine if the Council order has been complied with and, if not, to determine penalties; and
 - d. That the Owner of said Buildings is hereby ordered to comply with all requirements of the Resolution; and
 - e. That upon failure of the Owner to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to secure the Buildings and maintain the Buildings secure and clean the premises of all weeds, trash, and debris; and
3. That upon failure of the Owner to comply with this Order, the City of El Paso through its Interim Director for Building Permits and Inspections shall secure the Buildings and maintain the Buildings secure and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owner of said property; and
4. That said Owner shall become personally liable for all costs incurred by City in connection with securing and maintaining the Buildings secure and cleaning the premises of all weeds, trash and debris; and

5. That the costs incurred by the City in connection with securing the Buildings and cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
6. That upon failure of the Owner to comply with this Order, one or all of the following actions will be taken:
 - a. The City will perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owner of said property, the cost of which shall be assessed as a lien against the property; and
 - b. That upon failure of the Owner to comply with this order the City Council may assess a civil penalty against the property Owner in an amount not to exceed \$1,000.00 a day for each violation or, if the Owner shows that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
 - c. That upon failure of the Owner to comply with this order, the Owner may be confined in jail as permitted by state law; and
7. That upon failure of the Owner, any mortgagees or lienholders to restore the Buildings so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and
8. The Owner, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and
9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owner and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Mr. Thomas Maguire, Building Permits and Inspections, presented case to Council Members and gave the department's recommendation(s).

Representative Cook asked questions of Mr. Maguire.

Mr. Maguire responded and noted that he and an individual assisting the property owner had spoken and had come to an agreement.

There being no further public comment, the vote was taken.

Motion made by Representative Cook, seconded by Representative Power and unanimously carried to approve the above Resolution. Representative Cobos was not present for the vote.

.....

Motion made by Representative Austin, seconded by Representative Cushing and unanimously carried to postpone one (1) week the public hearing to determine if the Council Resolution of July 22, 2003, for the property located at 5915 Cleveland Avenue, in the City of El Paso (legal description on file with the City Clerk) has been complied with and to determine penalties if the Council Order has not been complied with. The owners of this property, Francisco Lerma, Sr., c/o Jose R. Rodriguez, 5714 Kapilowitz, El Paso, Texas 79905, has been notified of the violations at this property. Delinquent taxes in the amount of \$31,759.03.

Representative Cobos was not present for the vote.

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ADDITION TO THE AGENDA

***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Interlocal Agreement by and between the City of El Paso ("City"), as Metropolitan Planning Organization for the El Paso Urban Transportation Study Area, and the University of Texas at El Paso ("UTEP"), wherein UTEP will provide staff support to the Metropolitan Planning Organization, subject to Civil Service Commission approval. The contract period is from September 30, 2003, through September 30, 2004, at a total contract cost to exceed \$76,945.00.

.....
*Motion made, seconded and unanimously carried to appoint Fernando Parra to the Information Technology Advisory Board by Representative Vivian Rojas.

.....
*Motion made, seconded and unanimously carried to appoint Douglas Chamlee to the Information Technology Advisory Board by Representative Robert A. Cushing, Jr.

.....
Motion made by Representative Cushing, seconded by Representative Rojas and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 11:58 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:
Representative Cobos was not present for the vote.

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES

Discussion and action on the following:

30A. Cristina Arevalo, 03-C-172 (551.071)

7A. Placing a condemnation lien on the following property (legal description on file with the City Clerk) and in the following amount for work performed by the City pursuant to Section 18.52.040 and 18.52.080 (Unsafe Structures and Conditions) of the El Paso Municipal Code:

8232 McElroy Avenue\$6,869.94

Maria Baxley, Executrix of the Estate
of Angelica Reyes

Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to adjourn the Executive Session at 12:11 p.m. and reconvene the meeting of the City Council, during which time motions were made as follows:

Representatives Power, Rojas and Cobos were not present for the vote.

.....
Motion made by Representative Escobar, seconded by Representative Cook and unanimously carried that the claim entitled **Cristina Arevalo; Our File No. 03-C-172** be **DENIED** as recommended by the City Attorney.

Representative Cobos was not present for the vote.

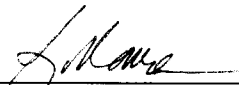
.....
Motion made by Representative Escobar, seconded by Representative Cushing and unanimously carried to approve the above Resolution placing a lien on the property located at 8232 McElroy Avenue.

Representative Cobos was not present for the vote.

.....
Motion made by Representative Cook, seconded by Representative Power and unanimously carried to adjourn this meeting at 12:15 p.m.

APPROVED AS TO CONTENT:

APPROVED AS TO FORM:



Richarda Duffy Momsen, City Clerk



Lisa A. Elizondo, City Attorney